

Judge Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JESUS CERVANTES-BRAVO,
GONZALO RODRIGUEZ, and
JOSE FRANCISCO RODRIGUEZ,

Defendants.

NO. CR05-331JLR

ORDER CONTINUING
TRIAL DATE AND PRETRIAL
MOTIONS DATE

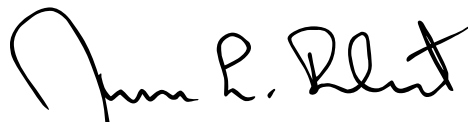
THIS MATTER comes before the Court on a motion by defendants Gonzalo Rodriguez and José Francisco Rodriguez, joined in by the United States, to continue the trial date and the pretrial motions cut-off date. Having considered the entirety of the record and files herein, the Court finds that failure to grant a continuance would likely result in a miscarriage of justice. The case is unusual and complex. The defendants were originally charged with 14 other defendants in CR05-281JLR, but a separate Indictment was returned on September 8, 2005. All of the defendants are in custody and Spanish-speaking. The evidence in this case is derived from a larger investigation, and includes a large number of intercepted telephone conversations in Spanish, and over 300 pages of reports from federal agents and state officers. Several pretrial motions have been filed and are pending.

1 It is unreasonable to expect adequate preparation for trial before the current trial
 2 date, scheduled in CR05-281JLR, of September 17, 2005. The Court further finds that
 3 the interests of the public and the defendants in a speedy trial in this case are outweighed
 4 by the ends of justice.

5 IT IS NOW, THEREFORE, ORDERED that trial in this matter be continued to
 6 October 24, 2005, and that the time between the date of this Order and the new trial date
 7 be excludable time under the Speedy Trial Act pursuant to Title 18, United States Code,
 8 Sections 3161(h)(8)(A), 3161(h)(8)(B)(i), and 3161(h)(8)(B)(ii).

9 IT IS FURTHER ORDERED that pre-trial motions shall be filed on or before
 10 September 28, 2005.

11 Dated this 3rd day of October, 2005.

12 

13
 14 JAMES L. ROBART
 15 United States District Judge

16 Presented by:

17 s/Douglas B. Whalley
 18 DOUGLAS B. WHALLEY
 19 Assistant United States Attorney
 20 United States Attorney's Office
 21 601 Union Street, Suite 5100
 22 Seattle, WA 98101-3903
 23 (206) 553-4882, Fax: (206) 553-4440
 24 E-mail: douglas.whalley@usdoj.gov
 25 Washington State Bar #4625

26 s/ Susan M. Roe
 27 SUSAN M. ROE
 28 Assistant United States Attorney
 (206) 553-1077, Fax: (206) 553-4440
 E-mail: susan.roe@usdoj.gov
 Washington State Bar #1300